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REMARKS

Claims 5-8, 10-13 and 15-20 are pending in the application and have been rejected.

Amendments

Claim 6 has been amended to recite an intended end user rather than the intended end user. This amendment corrects antecedent basis in the claim. Claim 6 has further been amended to clarify that the intended end user is a retailer. This amendment finds support throughout the specification, and particularly at page 6, lines 22-24; page 7, lines 15-17; and page 8, lines 5-7.

Claim Rejections – 35 USC § 112

Claim 6 recites the limitation “the intended end user” in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 has been amended to provide correct reference to an intended end user.

Claim Rejections – 35 USC § 102

Claims 5-8, 10, 12, 15, and 18 have been rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 2002/0082900 A1).

As noted previously on the record in this application, the present method as described in independent claim 6 (the sole pending independent claim) is a category management method comprising obtaining data from plural data sources including a consumer purchase tracking data set and a demographics data set, using automated analysis to analyze the obtained data, and providing an integrated category management report based at least in part on the analysis. An integrated category management report is not a mere organization of information from various databases, but instead is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. (page 7, paragraph [0018]). The method of the present invention makes such sophisticated opportunity assessments and market analyses available to smaller retailers

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and to a degree of detail that was not possible before. See the present specification at pages 4-6.

Claim 6 has further been amended to clarify that the intended end user is a retailer.

Johnson discloses a centralized system for providing information of several suppliers to a user over the Internet in order to satisfy a user project, collecting market trend data and issuing rebate certificates. See paragraph [0006]. The Johnson system thus is an automated information exchange system, wherein the customer inputs request criteria, and suppliers receive the information of the requests of a large number of potential customers, which together constitute real-time information regarding preferences, biases, usage, and market trend information from a large number of users of various products and services. See paragraph [0009]. In exchange for providing the request criteria to the system, the customer receives information about a number of suppliers and additionally receives rebate certificates directed to the particular available solvents that can be redeemed as an incentive to purchase the solvent products. See paragraph [0008].

The Johnson reference does not disclose the element of the present claim of providing an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for the intended retailer end user. In the Johnson reference, information is exchanged directly between the ultimate customer and the supplier, and there is no preparation of an integrated category management report for a retailer attempting to maximize return by use of a sophisticated retail marketing plan that involves managing a category of products. With respect to the disclosures regarding customer demographics and the like, paragraph [0004] as identified in the Office Action notes that such information "is retained, if at all, at each individual supplier representative." Thus, Johnson in the cited paragraph does not disclose communication of such information to anyone – but rather indicates that the information stayed with the suppliers.

It is respectfully submitted that the Johnson disclosure relating to exchange of information between suppliers and ultimate customers does not anticipate the presently

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claimed method for providing an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for the intended retailer end user.

Claim Rejections – 35 USC § 103

Claims 11 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0082900 A1), as applied to claim 6 above, and further in view of Dippold, (US 2002/0133479 A1).

The claims of this rejection relate to providing (1) a method comprising a score card that tracks said category management over time and (2) the method wherein at least one of said data sets relates to cereal.

As noted above, the Johnson reference does not disclose the element of the present claim of providing an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for the intended retailer end user. In the Johnson reference, information is exchanged directly between the ultimate customer and the supplier, and there is preparation of a targeted opportunity assessment and market analysis for a retailer attempting to maximize return by use of a sophisticated retail marketing plan that involves managing a category of products.

Dippold describes a market research database that facilitates the management of, and access to, information related to product categories. This system collects data about products from various sources and links this information by UPC code. See paragraphs [0007], [0024], [0025] and [0033]. The thus correlated information can be retrieved by UPC code, and on a selective basis can be made available for purchase by third parties on a controlled and restricted basis. See Paragraph [0008].

The system discussed in Dippold is in fact identified in the present application as one of the data inputs to be contained in the supporting database. See instant page 9, line 11, which describes the market research data provided by the A.C. Nielsen Company. The data as described in Dippold therefore corresponds only to the first element of the present claim, (i.e. "obtaining data"). Dippold thus provides a database of background

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information, and does not carry out the additional steps of automated analysis and providing an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. Dippold provides no reason for the skilled artisan to carry on the additional steps required in the present claims. The skilled artisan is not taught, and would not have contemplated, preparation of a complete targeted opportunity assessment and market analysis at least partially customized for the intended end user in view of the Dippold disclosure.

Dippold is therefore similarly situated to Johnson, because it does not provide a reason to prepare a complete targeted opportunity assessment and market analysis at least partially customized for the intended retailer end user. It is respectfully submitted that the combination of Dippold with Johnson falls far short of the presently claimed invention. Rather, the combination of Johnson with Dippold provides only starting information for evaluation of markets, and would not in combination have resulted in the presently claimed method of providing an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for the intended retailer end user.

Claim 11 has specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiment where a score card is provided that tracks the category management over time.

In the present specification, a score card is defined in paragraph [0016] as a formatted presentation tracking retailer progress after objectives and action plans have been defined. In contrast, paragraph [0033] of Dippold does not describe a score card, but rather discusses "scoring rules" for a data mining software program. Thus, the subject matter of the present claim is in no way taught or suggested by Dippold. It is respectfully submitted that the claim, when properly read in light of the specification, clearly relates to a different concept than taught by the reference.

Claim 20 has also specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiment where one of the data sets relates to cereals. As noted above, however, the disclosure of Dippold stops at the first step of the three part

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process recited in claim 6. Applicant does not claim to be the first to present data related to breakfast cereals, but does claim to be the first to obtain data, perform a subsequent automated analysis on the obtained data, and then generate a targeted opportunity assessment at least partially customized for the intended end user. It is respectfully submitted that claim 20 is not rendered obvious by Johnson in combination with the Dippold disclosure.

Claims 13, 16, 17, and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0082900 A1), as applied to claim 6 above, and further in view of McConnell et al, (US 2001/0049690 A1).

As noted above, Johnson discloses a centralized system for providing information of several suppliers to a user over the Internet in order to satisfy a user project, collecting market trend data and issuing rebate certificates.

In contrast, McConnell discloses an inventory control system that monitors the effective velocity of items through a store or warehouse. This system provides effective inventory control (i.e., tells the store inventory manager when to restock product), which is very useful and important in operating a store or a group of stores.

The two systems described in the cited prior art are separate tools that are addressed to different professionals in the retail industry – the supplier/ultimate-customer (in the case of Johnson) and the store manager in charge of stock inventory (in the case of McConnell). It is respectfully submitted one would not have been motivated to combine these references because of their different applications and intended users. Additionally, even if one would combine the references, the combination falls far short of teaching or suggesting an integrated category management report using automated analysis that is a targeted opportunity assessment and market analysis at least partially customized for the intended retailer end user, as presently claimed. Neither reference performs or suggests an automated assessment as required in the present claims, and neither reference suggests generation of a targeted opportunity assessment and market analysis. Such a report would not have been contemplated, because the references do not address the unique challenges of category management issues related to decreased sales and diminished

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customer satisfaction that occurs by staying with established stocks of products. See instant paragraph [0004]. Thus, the presently claimed invention efficiently addresses problems that are not considered by the cited prior art.

The outstanding 103(a) rejection focuses on the preferred embodiments where a report is delivered over a network or a LAN, or where the report contains a suggestion for improvement or a planogram. As noted above, the references fail to teach or suggest an integrated category management report as presently claimed. Because the present report itself is not obvious as discussed above, dependent claims additionally reciting the method of communicating the report are also not obvious.

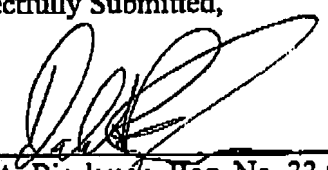
It is therefore respectfully submitted that the present claims are not obvious over Johnson in view of McConnell.

CONCLUSION

In view of the amendments and remarks provided herein, Applicants respectfully submit that all of the pending claims are in condition for allowance, and respectfully request notification thereof. In the event that a phone conference between the Examiner and the Applicants' undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at (651) 275-9811.

Respectfully Submitted,

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